

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MARCUS JOHNSON,

Plaintiff,

v.

DEKALB COUNTY, and
KENNETH JEFFRIES, JR.,
individually and in his official
capacity.

Defendants.

Case No. _____

COMPLAINT

COMES NOW Plaintiff Marcus Johnson and brings this Complaint seeking damages against Defendants for Marcus Johnson's wrongful arrest, false imprisonment, and violations of his rights guaranteed under the Fourth Amendment and Fourteenth Amendment of the United States Constitution.

JURISDICTION AND VENUE

1. Plaintiff brings forth this action against Defendants to redress the deprivation of rights guaranteed to him by the Fourth and Fourteenth Amendments to the United States Constitution pursuant to 42 U.S.C § 1983.

2. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C §§

1331 and 1343.

3. Pursuant to 28 U.S.C § 1391, venue is proper in the Northern District of Georgia as at least one of the Defendants resides in this District and Division and the cause of action arose therein.

CONDITIONS PRECEDENT

4. Plaintiff Marcus Johnson provided Defendant Dekalb County an ante litem notice of the claims outlined in this Complaint via hand-delivery and certified USPS service in accordance with O.C.G.A. § 36-11-1.

PARTIES

5. Plaintiff Marcus Johnson (“Mr. Johnson”) is a citizen of Dekalb County, Georgia.

6. Defendant Dekalb County (“Dekalb County”) is a municipal corporation that owns, operates, and governs the Dekalb County Police Department, which employs Defendant Kenneth Jefferies Jr. and was responsible for the training, supervision, and discipline of Defendant Kenneth Jefferies Jr. Dekalb County is subject to the jurisdiction of this Court.

7. Defendant Kenneth Jefferies Jr. (“Officer Jefferies”) is a sworn police officer for the Dekalb County Police Department and is subject to the jurisdiction of the Court.

8. At all times relevant, Defendants, either personally or through their employees, were acting under color of law and within the official rules, regulations, laws, statutes and customs of Dekalb County.

STATEMENT OF FACTS

9. On September 15th, 2021, Mr. Johnson was involved in a traffic collision on Flat Shoals Pkwy in Dekalb County, Georgia.

10. As a result of the collision, Officer Jefferies from the Dekalb County Police Department responded the scene.

11. Officer Jefferies ran Mr. Johnson's license through the NCIC (National Crime Information Center) and discovered there was an outstanding Illinois warrant out for "Mario Johnson" as a result of his inquiry.

12. Mr. Johnson's name is not "Mario Johnson" and has never been known as that name nor is it on his driver's license.

13. Mr. Johnson was handcuffed by Officer Jefferies as a result of the warrant and placed in the backseat of a Dekalb County Police Department vehicle.

14. Mr. Johnson saw the photo of "Mario Johnson" on the screen of a computer inside the police vehicle and the person on the screen was a young man with face tattoos.

15. Mr. Johnsons was forty-eight at the time of this incident

and did not have any face tattoos.

16. Mr. Johnson tried to explain that his name was not “Mario”, he had never been to Illinois, nor did he resemble the young man in the photo, but he was arrested anyway by Officer Jefferies.

17. There was no valid warrant for Mr. Johnson.

18. Mr. Johnson was transported to the Dekalb County Jail where he was detained over-night and released the next day.

19. As a result of the foregoing, Mr. Johnson sustained emotional distress, embarrassment, and deprivations of his liberty and Constitutional Rights.

FIRST CAUSE OF ACTION

42 U.S.C. § 1983

20. Plaintiff reiterates and realleges each and every allegation contained in paragraphs 1 through 19 with the same force and effect as if set forth herein.

21. All of the acts of Defendants were carried out under color of law.

22. All of the aforementioned acts deprived Mr. Johnson of the rights, privileges and immunities granted to the citizens of the United States by the Fourth and Fourteenth which guarantee the right to be free from unreasonable searches and seizures, the right not to be deprived of liberty without due process of law, and equal protection of the law.

23. As a result of Defendants' unlawful conduct as alleged herein, Mr. Johnson suffered damages which have to be remedied in accordance with 42 U.S.C. § 1983.

SECOND CAUSE OF ACTION

42 U.S.C. § 1983

24. Plaintiff Marcus Johnson reiterates and realleges each and every allegation contained in paragraphs 1 through 23 with the same force and effect as if set forth herein.

25. All of the acts of Defendants were carried out under color of law.

26. Due to the practices, policies, and customs of Dekalb County in identifying criminal suspects and maintaining an inadequate system for warrant checks through its police department, Mr. Johnson's Constitutional Rights were deprived.

27. As a result of Dekalb County's customs and policies as alleged herein, Plaintiff Marcus Johnson suffered damages which have to be remedied in accordance with 42 U.S.C. § 1983.

THIRD CAUSE OF ACTION

Wrongful Arrest and False Imprisonment

28. Plaintiff reiterates and realleges each and every allegation contained

in paragraphs 1 through 27 with the same force and effect as if set forth herein.

29. All of the acts of Defendants were carried out under color of law.

30. Mr. Johnson was subject to a wrongful arrest pursuant to O.C.G.A. § 51-7-1 and false imprisonment pursuant to O.C.G.A. § 51-7-20 when he was detained under the wrong identity and falsely imprisoned in the Dekalb County Jail.

31. Plaintiff Marcus Johnson suffered damages as a result of his wrongful arrest and false imprisonment.

JURY DEMAND

Plaintiff Marcus Johnson demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

- a. Assume jurisdiction over this action;
- b. Award a judgment against Defendants and for Plaintiff;
- c. Award Plaintiff damages in an amount to be determined by the enlightened conscious of the jury;
- d. Award Plaintiff reasonable attorney's fees, expenses, and costs of litigation pursuant to 42 U.S.C § 1988(b) and O.C.G.A § 13-6-11;
- e. Award Plaintiff such other relief as this Court deems just and proper.

Respectfully submitted this 14th day of September, 2023

THE FIRM FOR JUSTICE & LIBERTY

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